

REMARKS

Overview

Claims 1-13 and 21-25 are pending in this application. Claims 1, 12, 13, 21 and 25 have been amended. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Issues Under 35 U.S.C. § 103

Claims 1-13 and 21-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0010590 to Lee in view of U.S. Patent No. 5,933,506 to Aoki et al. These rejections are respectfully traversed.

Lee is directed towards a language independent voice communication system which includes a translation unit for translating a one language input speech to one or more corresponding other languages speeches (Abstract). As the Examiner recognizes, Lee does not teach an earpiece unit having a housing and a plurality of microphones within the earpiece housing (Office Action, page 2, numbered paragraph 2). Therefore the Examiner relies upon Aoki as disclosing a transmitter-receiver having ear-piece type acoustic transducing parts, which provides for a microphone for picking up bone-conducted sound, a directional microphone for picking up air-connected sound, and an electro-acoustic transducer for transducing a received speech sound and automatically processing the speech signal in accordance with use environments to sense speech of the best quality (Office Action, numbered paragraph 2, citing, col. 2, lines 38-51).

The claimed invention is directed towards a very different context than that disclosed in Lee and Aoki and it is respectfully submitted that the Examiner is not considering the Applicant's

invention as a whole or the prior art as a whole. In particular, Lee discloses that either an internal microphone or an external microphone can be used. Lee does not disclose "a plurality of microphones" within a housing, let alone the "earpiece housing" of the claimed invention. To further clarify the context of the present invention, claim 1 has been amended to require "the earpiece adapted for being worn by a user." In addition, claim 1 has been amended to require "selecting at least one of the plurality of microphones within the housing of the earpiece to detect a selected voice communication by a person other than the user" in this manner. Therefore, this rejection to claim 1 must be withdrawn. As claims 2, 4-5, 8-9, and 11 depend from claim 1, these rejections must also be withdrawn.

There is also an independent reason for the allowability of claim 5. In particular, claim 5 requires "the plurality of microphones includes a front facing microphone, a rear facing, and a side facing microphone." Neither Lee nor Aoki disclose having such a configuration of a set of microphones. Therefore this rejection to claim 5 should also be withdrawn for this independent reason.

Claim 12 has been amended to require "the earpiece adapted for being worn by a user" and also to indicate that the step of selecting is "to detect a selected voice communication". Neither Lee nor Aoki disclose this selection step. Therefore this rejection to claim 12 must be withdrawn.

Claim 13 has been amended in a manner similar to that of claim 12. Therefore this rejection should be withdrawn for the previously explained reasons.

Claim 21 has been amended to require "the nonocclusive earpiece housing adapts for being worn by a user." It is respectfully submitted that this limitation further distinguishes claim 21 from Lee.

Claim 24 has been amended in a manner similar to that of claim 12. Therefore this rejection should be withdrawn for the previously explained reasons.

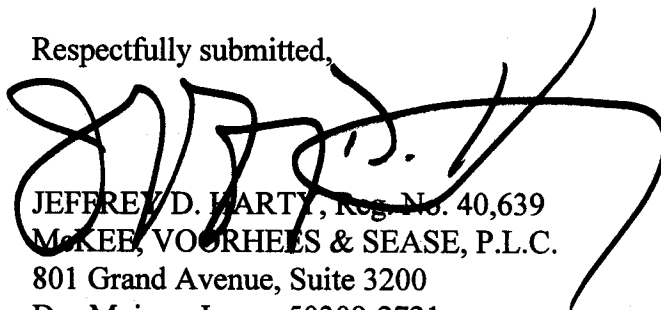
Claim 25 has not been previously rejected, but has not been indicated to be allowable.

Conclusion

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for two months from May 1, 2006 to July 1, 2006. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$225.00 for two months to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



JEFFREY D. HART, Reg. No. 40,639
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

- JDG/bja -